

Patent  
Serial No. 10/540,685

Amendment in Reply to Final Office Action of August 17, 2006

REMARKS

This Amendment is being filed in response to the Office Action mailed August 17, 2006, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

In the Office Action, claims 1-2 and 5-8 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,844,960 (Kowarz) in view of U.S. Patent No. 6,965,467 (Yamamoto) and U.S. Patent No. 6,369,954 (Berge). Further, claim 3 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Kowarz, Yamamoto, Berge, and further in view of U.S. Patent No. 6,859,233 (Sasama). Further, claim 4 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Kowarz, Yamamoto, Berge, and further in view of U.S. Patent No. 6,004,442 (Choulga). It is respectfully submitted that claims are patentable over Kowarz, Yamamoto, Berge, Sasama and Choulga for at least the following reasons.

Kowarz is directed to a mechanical device with a continuously variable displacement. As clearly shown in the figures, such as

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FIGs 2b and 8b, a ribbon 7, 23b deforms in response to applying a voltage by moving down or along/parallel to an optical axis of light beams 30, 32 (FIGs 8a-8b), or perpendicular to the plane of the ribbon 23b. As clearly shown in FIGs 2b and 8b, the radial length of the ribbon 7, 23b remains the same.

Berge is directed to a liquid lens having a variably controlled focus consisting of an insulating liquid 11 that deforms in response to applying a voltage by moving from position A to position B, as specifically recited on column 4, lines 14-15, and shown in FIGs 1-5, where the radial length of the insulating liquid 11 decreases, or remains the same as shown in FIG 6.

Yamamoto is directed to a display device with particles that provide a stable image even if in the presence of shocks, where insulating supports of polymer films are provided.

In stark contrast, the present invention as recited in amended independent claim 1, and similarly recited in amended independent claims 7-8, amongst other patentable elements, requires (illustrative emphasis provided):

wherein said deformable optical element is configured to deform substantially along at least one of a direction radial to an optical axis of said deformable optical element and a plane

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parallel to said polymer film by increasing a length of the polymer film substantially along the direction radial to the optical axis.

A deformable optical element that deforms by increasing the length of a polymer film in the radial direction is nowhere taught or suggested in Kowarz, Yamamoto and combinations thereof. Rather, both Kowarz and Berge teach decreasing the radial length of a deformable element. Thus, Kowarz and Berge teaches away from the present invention as recited in independent claims 1 and 7-8, which requires deforming a deformable optical element by increasing the radial length of a polymer film, as clearly shown in the figures, such as FIGs 1A-1B, 1D-1E, and 2A-2B.

Sasama and Choulga are cited to allegedly show other features and do not remedy the stated deficiencies in Kowarz, Berge and Yamamoto.

Accordingly, it is respectfully submitted that independent claims 1 and 7-8 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-6 should also be allowed at least based on their dependence from independent claim 1 as well as for the separately patentable elements contained in each of said claims. Accordingly,

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separate consideration of each of the dependent claims is respectfully requested.

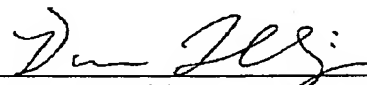
In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required for entrance of the accompanying amendment, they may be charged to Applicant's representatives Deposit Account No. 50-3649. In addition, please credit any overpayments related to any fees paid in connection with the accompanying amendment to Deposit Account No. 50-3649.

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In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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